



**INDIANA COURT OF APPEALS
ORAL ARGUMENT AT A GLANCE
HERITAGE CHRISTIAN HIGH SCHOOL —
INDIANAPOLIS**

A.B. v. State of Indiana

Appeal from:
Marion Superior Court,
The Honorable Danielle
Gregory, Magistrate

Oral Argument:
Friday, January 30, 2009
10:00-11:00 a.m.
20 minutes each side

Criminal Law

The parties will present arguments pertaining to whether the evidence presented before the trial court was sufficient to support the trial court's determination that A.B. committed a delinquent act, specifically Auto Theft, a Class D felony if committed by an adult.

CASE SYNOPSIS

Facts and Procedural History

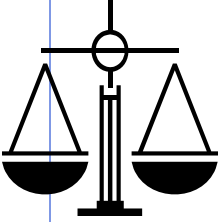
At approximately 11:15 p.m. on January 1, 2008, Terry Pritt started his 2007 silver Ford Taurus. After starting the Taurus, Pritt went back into his home. When Pritt came back out of the home, he noticed that his Taurus was being driven out of his fenced-in drive. Pritt attempted to follow the Taurus in his truck but was unsuccessful. Pritt then returned home and reported the car stolen.

Approximately one hour later,

Indianapolis Metropolitan Police Officer Mike Diehl was dispatched to a possible burglary in progress. As he approached the site of the possible burglary, Officer Diehl observed a silver Taurus with two males sitting in it. The Taurus matched the description of Pritt's vehicle that had been reported stolen from Pritt's home approximately two or three miles away. Officer Diehl activated his police lights, whereupon both A.B., who was sitting in the driver's seat, and the other male, who was sitting in the front passenger seat,

A.B. v. State of Indiana

CASE SYNOPSIS



immediately exited the car and fled northbound. Officer Diehl stated that he was a police officer and ordered A.B. to stop or he would release his canine. A.B. failed to heed Officer Diehl's warnings. Officer Diehl released his canine, and A.B. was apprehended within a short distance. After A.B. had been apprehended, Officer Diehl confirmed that the vehicle in which A.B. had been sitting was Pritt's stolen Taurus. Pritt did not know A.B. and had not given him permission to take or possess his Taurus.

On January 3, 2008, the State filed a delinquency petition against A.B., alleging that he had committed juvenile acts that would be criminal if he were an adult. Specifically, the State alleged that A.B. committed juvenile acts that would be Class D felony Auto Theft, Class A misdemeanor Resisting Law Enforcement, and Class B misdemeanor Unlawful Entry of a Motor Vehicle. On May 2, 2008, following a denial hearing, the juvenile court adjudicated A.B. a delinquent child for having committed what would be auto theft and resisting law enforcement if he were an adult. A.B.'s challenge on appeal is strictly to the auto theft adjudication.

Summary of Arguments

A.B. contends that the evidence presented before the juvenile court was insufficient to support the juvenile court's finding that he committed a delinquent act, specifically, Auto Theft, a Class D felony if committed by an adult. For its part, the State contends that the evidence was sufficient to sustain A.B.'s adjudication as a delinquent child. The State further contends that even if this court concludes that the auto theft finding was not supported by the evidence, the juvenile delinquency adjudication would nonetheless stand, based on the Resisting Law Enforcement finding, which A.B. has not challenged on appeal.

TODAY'S PANEL OF JUDGES

Hon. Melissa S. May (Vanderburgh County), Presiding

- Judge of the Court of Appeals since June 1998

Melissa S. May was appointed to the Court of Appeals in April of 1998. Judge May was born in Elkhart, Indiana. She graduated from Indiana University-South Bend with a B.S. in 1980 and from Indiana University School of Law-Indianapolis with a J.D. in 1984.

Between law school and her appointment to the Court, Judge May practiced law in Evansville, Indiana, focusing on insurance defense and personal injury litigation.

Judge May has been active in local, state, and national bar associations and bar foundations. She served the Indiana Bar Association on the Board of Governors from 1992-1994, as Chair of the Litigation Section from 1998-1999, as Counsel to the President from 2000-2001, as Chair of the Appellate Practice Section from 2007 to 2008, and as Secretary to the Board of Governors from 2008 to 2009. In addition, she was a member of the Board of Directors of the Indiana Continuing Legal Education Forum from 1994-1999 and has been the co-chair of ICLEF's Indiana Trial Advocacy College from 2001-present. She is a fellow of the Indiana Bar Foundation, as well as for the American Bar Association, and she is a Master Fellow of the Indianapolis Bar Association.

From 1999 till December 2004, Judge May was a member of

Indiana's Continuing Legal Education Commission, where she chaired the Specialization Committee. She is currently on an Advisory Panel to the Specialization Committee. In 2005, she was named to the Indiana Pro Bono Commission. In July of 2008, she was named as Chair of that Commission. In 2003, Judge May was named to the American Bar Association's Standing Committee on Attorney Specialization. She is now special counsel to that committee. In the spring of 2004, Judge May became adjunct faculty at Indiana University School of Law-Indianapolis, where she teaches a trial advocacy course. Also in the spring of 2004, she was awarded an Honorary Doctor of Civil Law from the University of Southern Indiana.

"Appeals on Wheels"

The Court of Appeals hears oral argument at venues across the state to enable Hoosiers to learn about the judicial branch.

This initiative began statewide just prior to the Court's centennial in 2001.

The Court of Appeals has held over 200 "on the road" cases since early 2000.

Sites for traveling oral arguments are often law schools, colleges, high schools, and county courthouses.

TODAY'S PANEL OF JUDGES

Hon. Terry A. Crone (St. Joseph County)

- **Judge of the Court of Appeals since July 2004**

Terry A. Crone was appointed to the Court of Appeals March 8, 2004, and currently serves as the Presiding Judge of the Third District. Judge Crone was raised in South Bend. He graduated cum laude from DePauw University in 1974 and graduated from Notre Dame Law School in 1977.

Judge Crone practiced law for nine years, concentrating in areas of civil practice, and served as the St. Joseph County Attorney from 1981 to 1986. In 1986, Judge Crone was appointed Magistrate of the St. Joseph Circuit Court, where he served until his appointment as Judge of the St. Joseph Circuit Court in 1989.

Judge Crone is a past President of the St. Joseph County Bar Association and a former member of the Board of Managers of the Indiana Judges Association, the Supreme Court Committee on Character and Fitness, and the Alternative Dispute Resolution Committee of the Indiana Judicial Conference. Judge Crone is currently a member of the St. Joseph County, Indianapolis, Marion County, Indiana State and American Bar Associations, as well as the American Judicature Society, and the Phi Delta Phi Honorary Legal Society. Judge Crone

is a frequent speaker at legal education programs.

He helped found a program in South Bend to familiarize minority high school students with the law and related fields and was a founding member of the South Bend Commission on the Status of African-American Males and the St. Joseph County Coalition Against Drugs. Judge Crone is married and has three daughters.

TODAY'S PANEL OF JUDGES

Hon. Cale A. Bradford (Marion County)

- Judge of the Court of Appeals since August 2007

Cale J. Bradford was appointed to the Court of Appeals by Governor Mitch Daniels and took his seat on August 1, 2007.

Prior to his elevation to the Court of Appeals, Judge Bradford served for more than 10 years as Judge of the Marion Superior Court, seven years in the criminal division and three in the civil division. He was twice elected presiding judge by his colleagues.

During this tenure, Judge Bradford chaired the Marion County Criminal Justice Planning Council, a group of local elected and appointed officials who recommended ways to improve the county's response to criminal justice problems, including jail overcrowding, staffing, and budget issues. His efforts led to the end of 30 years of federal oversight of the Marion County Jail and to security improvements at the county's Juvenile Detention Center.

Before joining the bench, Judge Bradford served in the Marion County Prosecutor's Office for two years, overseeing a staff of more than 100 attorneys. For five years, he was an Assistant United States Attorney for the Southern District of Indiana, prosecuting major felony drug trafficking cases. He engaged in the private practice of law from 1986 to 1991, and served as both a deputy prosecutor and public defender during his career.

A native of Indianapolis, Judge Bradford received a B.A. in labor relations and personnel management from Indiana University-Bloomington in 1982 and his J.D. from Indiana University-Indianapolis in 1986. He is the Court of Appeals' liaison to the Indiana Judges Criminal Instructions Committee, which provides guidance to judges on jury instructions in criminal cases, and a former member of both the Indiana Judges Criminal Policy Committee and the Board of Directors of the Indiana State Judicial Conference. He is a Distinguished Fellow of the Indianapolis Bar Association and has taught ICLEF seminars on trial practice for more than 10 years. From 2005 to 2007, Judge Bradford hosted "Off the Bench with Judge Cale Bradford," a legal commentary program on Marion County's government access network. He also served on the Judicial Technology and Automation Committee (JTAC), helping to draft the state judiciary's policies on technology and electronic case management.

Judge Bradford is a former director of Indianapolis's John P. Craine House, a residential alternative to incarceration for women offenders with pre-school-aged children. He is a member of the Lawrence Youth Football League Advisory Board of Directors and the Lawrence Men's Soccer Booster Club. He and his wife, a full-day kindergarten teacher, have five children.

ATTORNEYS FOR THE PARTIES

For Appellant, A.B.:

Michael E. Caudill
156 East Market Street, Suite 200
Indianapolis



Michael E. Caudill attended Harvard College in Cambridge, Massachusetts, where he graduated with a B.A. in Government in 1987. Mr. Caudill attended Indiana University School of Law – Indianapolis where he received his J.D. in 1995.

Prior to law school Mr. Caudill served in the United States Army as legal specialist and later as an officer, worked in private industry, and taught classes in business and legal writing as an adjunct professor at IUPUI. During law school he served as an intern at the Marion County Public Defender's Office. After being admitted to the bar, Mr. Caudill worked for the Marion County Public Defender's Office as a

contract trial attorney and opened his own private practice. Mr. Caudill has practiced law for thirteen years primarily in criminal defense both as trial and appellate counsel. He has argued before both the Indiana Court of Appeals and the Indiana Supreme Court.

Mr. Caudill now maintains an appellate contract with the Marion County Public Defender's Office, manages a small private law office, and runs a successful business providing residential services to persons with developmental disabilities. Mr. Caudill appears before you today in his capacity as public defender appellate counsel.

For Appellee, State of Indiana:

Henry Flores
Attorney General's Office
Indianapolis

Henry Flores is a Michigan native who obtained his B.S. in criminal justice from Ferris State University in 2003, and his J.D. from the Dickinson School of Law of the Pennsylvania State University in 2006. He began his legal career in the Criminal Appeals Branch of the Office of the Attorney General of Kentucky in

2006. He then relocated to Indiana in 2008 and joined the Criminal Appeals Section of the Indiana Attorney General's Appellate Section. He is married to a deputy prosecutor with whom he has a thirteen-month-old daughter.